

YOUTH SERVICES POLICY

Title: Criminal Record Check Next Annual Review Date: 06/10/2012	Type: A. Administrative Sub Type: 2. Personnel Number: A.2.18
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References: La. R.S. 15:587, 15:587.1, 15:825.3, and 17:15; Civil Service Chapter 12; ACA Standard 2-CO-1C-18 (Administration of Correctional Agencies); 4-JCF-6C-05 (Performance-based Standards for Juvenile Correctional Facilities); 2-7036, 2-7224 (Standards for Juvenile Probation and Aftercare Services); YS Policies A.2.1 "Employee Manual", A.2.12 "Personnel Records", B.7.1 "Education Policy" B.8.3 "Volunteer Services Program", and C.2.8 "Youth Visitation in Secure Care Facilities"	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 06/10/2011

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To gain knowledge of any prior criminal activity on the part of a current or prospective employee, volunteer, intern, contract staff, educational staff, or visitor, and to identify annually any criminal activity that could adversely affect an individual's job performance, or has the potential to affect the safety and security of youth and staff.

III. APPLICABILITY:

This policy applies to all current and prospective employees, volunteers, interns, contract providers, educational staff, and visitors. Each Unit Head shall be responsible for ensuring that all necessary procedures are in place to comply with the provisions of this policy.

IV. DEFINITIONS:

Hits - any convictions, charges or arrests.

Intern - An advanced student or recent graduate undergoing supervised practical training.

Juvenile Electronic Tracking System (JETS) - The centralized database used to track all youth under OJJ supervision or custody, and to record youth case record activity.

National Criminal Information Center (NCIC) - a computerized index of criminal justice information (i.e. - criminal record history information, fugitives, stolen properties, missing persons).

Terminal Agency Coordinator (TAC) – designated staff trained to ensure agency compliance with NCIC and the Louisiana Law Enforcement Telecommunications System (LLETS).

Unit Head - For purposes of this policy, Unit Head refers to Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretaries, Facility Directors and Regional Managers.

Visitor – any person who is on the grounds of a secure care facility for an authorized visit, or who is attempting to gain entry to the grounds for a visit, to conduct business with YS staff or youth, for purposes of a tour, as a volunteer, etc.

Volunteer - an individual who donates his/her time and effort to enhance YS' activities and programs. Volunteers may include student interns, job services training program participants, senior citizens, faith-based organizations, and others who serve without financial remuneration.

V. POLICY:

It is the Deputy Secretary's policy that all current and prospective YS employees, volunteers, interns, contract staff, educational staff, and visitors shall undergo a criminal record check through OMNIXX, software utilized to interface with the National Crime Information Center (NCIC), prior to their employment, initiation of volunteer services, visitation, or on the employee's anniversary date, as appropriate.

Unauthorized access or dissemination of any information regarding criminal activity to unauthorized persons shall result in disciplinary action commensurate with the violation.

VI. PROCEDURES:

A. Prospective Employees, Volunteers, Interns, Contract Providers, Educational Staff and Visitors

1. Prospective employees, volunteers, interns, contract providers, educational staff, and visitors shall complete the necessary paperwork authorizing the unit's Terminal Agency Coordinator (TAC) to initiate an NCIC Criminal Record Check Request [see Attachment A.2.18(a)].
2. Completed fingerprint cards shall be submitted to the Louisiana Bureau of Criminal Identification and Information for pre-employment, volunteers, interns, contract providers, education staff, and visitors.

3. All NCIC "hits" shall be communicated to the Unit Head in writing. Prior to making an offer of employment, the Unit Head shall forward the "Report of Hits" [see Attachment A.2.18 (b)], to the appropriate Deputy Assistant Secretary for review and approval or denial.
4. All NCIC "hits" on prospective volunteers shall be communicated to the Unit Head in writing. Prior to the commencing of services, the Unit Head shall forward the "Report of Hits" to the appropriate Deputy Assistant Secretary for review and approval or denial. All documentation concerning volunteers shall also be copied to the unit's Volunteer Services Coordinator for their files.
5. All NCIC "hits" on prospective visitors shall be communicated to the Unit Head in writing. Prior to allowing visitation privileges, the Unit Head shall forward the "Report of Hits" to the Deputy Assistant Secretary/Facilities for review and approval or denial.

B. Current Employees, Volunteers, Interns, Contract Providers, Educational Staff, and Visitors

1. **Annual** NCIC background checks on current employees shall be conducted by the Unit's TAC, utilizing the NCIC Criminal Record Check Request as appropriate on the employee's anniversary date or when applying for Special Agent Certification or Re-certification.
2. **Annual** NCIC background checks on current volunteers shall be conducted by the Unit's TAC, utilizing the NCIC Criminal Record Check Request on the anniversary date of the volunteer's start date.
3. **Annual** NCIC background checks on current visitors shall be conducted by the Unit's TAC, utilizing the NCIC Request Form.

NOTE: Background checks on current visitors at the secure care facilities shall be completed within 60 days of the approval date of this policy, and annually thereafter on the approval date of this policy.

4. All "hits" shall be communicated to the Unit Head, in writing, by forwarding a copy of the report upon receipt. Failure to report a finding of criminal activity to the Unit Head may result in disciplinary action.
5. The Unit Head shall forward the "Report of Hits" to the appropriate Deputy Assistant Secretary, the same day or within one (1) calendar day for review and approval or denial, in accordance with the guidelines established in Section VI. C. of this policy.

6. NCIC records are strictly confidential. Records shall be maintained in a secure location, and accessed only by trained and authorized personnel.
 7. Records maintenance of current employees, interns, contract providers, and education staff - NCIC records shall be filed separately, retained, and safeguarded by the unit's Human Resources Office or Central Office Human Resources (COHR). The original document shall be forwarded to COHR, and a copy shall be maintained at the designated unit.
 8. Record maintenance of current and prospective volunteer's NCIC records shall be retained and safeguarded by the unit's Volunteer Services Coordinator.
 9. Record maintenance of current and prospective visitor's NCIC records shall be maintained by the unit's designated TAC.
 10. NCIC background record checks SHALL NOT be maintained by anyone other than those designated through this policy.
- C. At the discretion of the Deputy Secretary, and as defined in this policy, any employee who is charged with any criminal conduct may be placed on leave pending the outcome of the charges as follows:
1. State employees may be put on LI - Leave Pending Investigation/Suspended with Pay pending the outcome of the charges.
 2. Volunteers may be suspended or reassigned pending a review or the outcome of the charges.
 3. Visitors may be denied visitation depending on past felony convictions. [Refer to YS Policy C.2.8 for further clarification.]
 4. Contract staff shall be notified by the Unit Head, with approval from the Deputy Secretary, to suspend or reassign the individual in question pending a review or the outcome of the charges.
- D. In the event of an arrest or receipt of a criminal summons, the employee, intern, contract provider or educational staff shall inform the Unit Head, the Deputy Secretary, and COHR within 72 hours of release from custody. Upon notification, the Unit Head shall complete the "Report of Employee Arrest or Receipt of Summons" form [see Attachment A.2.18(c)] and forward it to COHR. Central Office HR shall maintain a copy of this report in the confidential section of the employee's personnel file. Failure to report on the part of the employee, intern, contract provider or educational staff may result in disciplinary action, up to termination of employment.
- Central Office HR shall provide a copy of the notification report to the appropriate Deputy Assistant Secretary and the Chief of Operations upon receipt.

- E. In the event of an arrest or receipt of a criminal summons of a volunteer or visitor, it shall be the volunteer or visitor's responsibility to report the information to the Unit Head within 72 hours of release from custody. The Unit Head shall communicate the information to the appropriate Deputy Assistant Secretary upon notification by the volunteer or visitor. Failure to report on the part of the volunteer or visitor may result in termination of services or visitation rights.

VII. QUALITY ASSURANCE:

- A. A review of NCIC findings on a random number of YS employees, volunteers, interns, contract providers, education staff, and visitors, shall be conducted by Continuous Quality Improvement Services (CQIS) annually, at a minimum.
- B. Annual reviews shall occur in conjunction with annual quality assurance reviews at each unit.
- C. A verbal report of findings shall be provided at each unit, as well as a written report of findings provided to the Unit Head, Deputy Secretary, Assistant Secretary, Chief of Operations, and appropriate Deputy Assistant Secretary.
- D. It is the Unit Head's responsibility to ensure compliance with this policy. Findings may result in disciplinary action.


VIII. EXCEPTIONS:


The Deputy Secretary may grant an exception to any provision of this policy, provided such exception is not in conflict with Civil Service rules, La. R.S., or other pertinent policies.


Previous Regulation/Policy Number: A.2.18

Previous Effective Date: 05/29/2009

Attachments/References:

 A 2 18 (a) Criminal Record Check Request 6-10-11.docx

 A.2.18 (b) Report of Hits - 06-10-11.docx

 A.2.18 (c) Report of Employee Arrest or Receipt of Summons- 6-10-11.docx